

FILE COPY

IN THE

Supreme Court of the United States

OCTOBER TERM, 1972

No. 71-1082

REUBIN O'D. ASKEW, et al

Supreme Court, U. S.
FILED

APR 10 1972

MICHAEL RODAK, JR., CLERK

Appellants

v.

THE AMERICAN WATERWAYS
OPERATORS, INC., et al

Appellees

On Appeal from The United States District Court
for the Middle District of Florida.

BRIEF OF THE STATE OF CONNECTICUT AMICUS
CURIAE IN SUPPORT OF THE JURISDICTIONAL
STATEMENT OF APPELLANTS.

STATE OF CONNECTICUT

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I N D E X

	<i>Page</i>
Interest of amicus curiae	1
Statement of Position	3

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**BRIEF OF THE STATE OF CONNECTICUT AMICUS
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TO THE HONORABLE SUPREME COURT
OF THE UNITED STATES:

INTEREST OF AMICUS CURIAE

This Petition for a Writ of Certiorari poses the question of whether a state may enact a statute designed to protect its citizens and its environment from economic and ecological damage resulting from pollution of its territorial waters incident to an occurrence during the transport of oil or other substances by sea, or whether such a statute is unconstitutional in that it would be violative of Article III, Section 2,

Clause 3 of the United States Constitution; and whether the Congress may, by legislation, delegate to the states the right to enact legislation imposing absolute and unlimited liability upon owners or operators of vessels or terminal facilities which cause massive pollution of the state's territorial waters by oil or other substances.

This brief amicus curiae is filed pursuant to Rule 42 (4) of the Rules of the Supreme Court of the United States on behalf of the State of Connecticut, which has substantially similar pollution statutes as the State of Florida.

Our purpose in filing this amicus curiae brief is to directly support the State of Florida in its contention that a state statute designed to protect the state, its citizens and its environment from damage resulting from oil spills or other incidents at sea is not unconstitutional, and that the Congress has the power to delegate to the states the authority to enact legislation imposing absolute and unlimited liability on owners or operators of vessels or terminal facilities which cause pollution of the state's territorial waters by oil or other substances. Accordingly, we submit the constitutional issue is so substantial that in the opinion of the undersigned plenary consideration by this Court is required.

STATEMENT OF POSITION

For its reasons and conclusion, the State of Connecticut concurs in the reasons advanced by the State of Florida in its Petition and hereby adopts said reasons and conclusion as its own.

Respectfully submitted,

STATE OF CONNECTICUT

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